



Attorney's Docket No. 1032745-000037

AP
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Kurt PLOTZ

Application No.: 10/619,609

Filed: July 16, 2003

For: WALL AND FLOOR COVERINGS

) MAIL STOP REPLY BRIEF

) Group Art Unit: 1771

) Examiner: Norca Liz Torres
VELAZQUEZ

) Confirmation No.: 6540

)

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is submitted pursuant to 37 C.F.R. §41.41.

On Page 3 of the Answer, the Examiner states that the laminate of Greiser et al '426 "reads on the present carrier." This statement is inaccurate since the laminate of the reference does not have organic fibers penetrating through the glass fiber mat and lying adjacent to a side of the mat that is opposite the organic non-woven mat.

The Answer further states that it would have been obvious to have organic fibers lying adjacent to the side of the glass fiber mat (page 3). This statement is without support in the cited art. Such a feature is not disclosed or suggested in the reference. Moreover, those of ordinary skill would seek to avoid penetration of the surface of the glass fiber mat with the expectation that this would damage the surface and also release glass fiber particles into the environment. Applicant's needling process is designed to avoid these problems while bonding the mats without adhesives and providing adjacent organic fibers to allow anchoring of subsequent layers.

On page 11 of the Answer, the Examiner argues that needling employed by Baravian et al '395 would inherently allow the organic fibers to penetrate the surface of the glass fiber mat and lie adjacent thereto. Since the reference discloses no needling conditions to bind the layers together, there is absolutely nothing in the disclosure of Baravian et al '395 to support the Examiner's position.

Hiers et al '622 is directed to the preparation of three-layered laminates where binding fibers are needled from both directions to provide tufted lower and upper surfaces which bind the intermediate insulating layer to the outer "binding" layers. This provides strength in the "Z" (i.e., thickness) direction. Applying the needling technique of Hiers et al '622 to Baravian et al '395 would involve adding another organic fiber layer and tufting both surfaces. Such a modification would be incongruous.

In discussing the rejection of claim 34, the Examiner argues that Frankenburg et al '088 is properly combinable with Baravian et al '395 and Hiers et al '622 because "the three references are directed to laminates and therefore are analogous art" (Answer, pages 11-12). Respectfully, Applicant disagrees.

The mere fact that the respective products of the references are all laminates does not inevitably lead to the conclusion that the art areas are analogous. Bituminous roofing shingles, adhesive tapes and multi-layered toilet tissue are all laminates but one could hardly argue that they are in analogous art areas. Frankenburg et al '088 is directed solely to the preparation of garments for protection against molten metals, the garments being made from a composite fabric of a layer of polytetrafluoroethylene fibers and a preferred layer of aramid fibers. As such, the art area of Frankenburg et al '088 is not analogous to the art areas of Baravian et al '395 or Hiers et al '622.

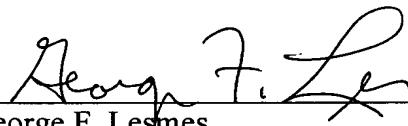
Page 13 of the Answer indicates that the obviousness double patenting rejection over the claims of U.S. Patent No. 5,017,426 (Greiser et al) in view of U.S. Patent No. 4,522876 to Hiers has been maintained. Applicant addressed this rejection on page 9 of the Appeal Brief.

For at least the above reasons and those set forth in the Appeal Brief, reversal of the Final Rejection is respectfully requested.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: January 19, 2006:


George F. Lesmes
Registration No. 19,995

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620